

November 16, 2018

VIA HAND DELIVERY

Benjamin M. Joseph, 3HS62
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

**Re: Request for Information to Eastern Gas & Water Investment Company,
LLC Pursuant to 42 U.S.C. § 9604(e)**

Dear Mr. Joseph:

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This firm represents Eastern Gas & Water Investment Company, LLC ("EGWIC LLC") with regard to the Supplemental Request for Information from the United States Environmental Protection Agency ("EPA") dated September 12, 2018 (the "Supplemental Request") issued pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9604(e). The Supplemental Request relates to the Chestertown Gas Company Site in Chestertown, Kent County, Maryland (the "Site"). On October 3, 2018, Benjamin Joseph of EPA granted EGWIC LLC an extension of time to November 16, 2018 to respond to the Supplemental Request. By email dated November 14, 2018, Andrew Goldman confirmed that the deadline for EGWIC LLC to respond to requests 1, 2, 3, 4, 8 and 13 of the supplemental request is suspended pending further discussions on the scope of the requests. On March 15, 2018, EGWIC LLC submitted to EPA responses to two prior Requests for Information, one dated December 20, 2017 and the other dated February 9, 2018. The response to the December 20, 2017 request shall be referred to herein as the "Initial Response." The response to the February 9, 2018 request shall be referred to herein as the "Second Response."

EGWIC LLC objects to the Supplemental Request on the following grounds:

1. EGWIC LLC objects to the Supplemental Request to the extent it seeks information protected by the attorney-client privilege, the work product doctrine or any other legally recognized privilege or doctrine which would protect the disclosure of information.

2. EGWIC LLC objects to the Supplemental Request to the extent that it seeks information beyond the scope of information EPA may seek under Section 104(e) of CERCLA.

3. EGWIC LLC objects to the Supplemental Request to the extent it seeks information in the public realm, information in the possession, control or custody of EPA or the United States and information that is equally accessible to EPA as it is to EGWIC LLC.

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4. EGWIC LLC objects to the Supplemental Request to the extent that it seeks information first developed or obtained by EGWIC subsequent to the date of this letter.

EGWIC LLC reserves the right to object to the production of information provided in this response in any legal proceeding on grounds recognized by any such proceeding or on the grounds that the information is protected from disclosure pursuant to an applicable privilege or doctrine.

Notwithstanding the foregoing objections, and without waiver thereof, EGWIC LLC responds to the Supplemental Request as follows:

1. *Please identify all facts upon which you base your contention, in Paragraph 1.h of the Initial Response, the "[n]one of the assets acquired or liabilities assumed by Chesapeake Utilities related to CG, CS, or the Site." Please provide all documents relevant to the facts identified in response thereto.*

By email dated November 14, 2018, Andrew Goldman confirmed that the deadline for EGWIC LLC to respond to this request is suspended pending further discussions on the scope of the request.

2. *Please identify all facts upon which you base your contention, in Paragraph 1-b of the Initial Response, that "CS was an 'inactive subsidiary' of EGWIC MD when Clearfield and its affiliates acquired their stock interest in EGWIC MD in 1990." Please provide all documents relevant to the facts identified in response hereto.*

By email dated November 14, 2018, Andrew Goldman confirmed that the deadline for EGWIC LLC to respond to this request is suspended pending further discussions on the scope of the request.

3. *Please identify all facts upon which you contend that EGWIC LLC is not the corporate successor to any historic environmental liabilities CS may have relating to the Site. Please provide all documents relevant to the facts identified in response hereto.*

By email dated November 14, 2018, Andrew Goldman confirmed that the deadline for EGWIC LLC to respond to this request is suspended pending further discussions on the scope of the request.

4. *Please state whether Synergy Gas Corporation ("Synergy") assumed any historic environmental liabilities relating to the Site pursuant to its 1988 transaction with CS and identify all facts and evidence that support your response.*

By email dated November 14, 2018, Andrew Goldman confirmed that the deadline for EGWIC LLC to respond to this request is suspended pending further discussions on the scope of the request.

5. *Please identify and describe in detail each instance where indemnification was sought or provided for Clearfield Energy, Inc. ("Clearfield") or its affiliates and/or John J. Park against any claims relating to CS or Synergy.*

Response: None.

6. *Please identify all lawsuits and administrative actions that CS was a party to and which refer or relate to environmental conditions at the Site. For each such lawsuit and administrative action identify the following: the case number, the date on which the lawsuit/administrative action was filed, the jurisdiction in which the case was filed, the name of the defendant, the nature of the lawsuit and the outcome of the lawsuit/administrative action.*

Response: None.

7. *Please identify, and provide a copy of, all policies of insurance or indemnification agreements which provide, or might provide, coverage on behalf of you and/or any of your predecessors for any environmental liability that you or any predecessor has or might have with respect to the Site.*

Response: None identified to date.

8. *Provide a copy of all documents which refer or relate to:*

- (a) *the creation and incorporation of CS.*
- (b) *the merger of CS into any other entity.*
- (c) *the sale of CS's business or assets by another person or entity.*
- (d) *the acquisition of CS's business or assets by another person or entity.*
- (e) *the acquisition of CS stock by any person or entity.*

Your response should include, but not be limited to, documents which refer or relate to (i) the sale to Synergy, described in Paragraph 1.c of the Initial Response, "of the business of CS under the 1988 Asset Purchase Agreement;" and (ii) the merger, described in Paragraph 1.g of the Initial Response, with EGWIC LLC.

By email dated November 14, 2018, Andrew Goldman confirmed that the deadline for EGWIC LLC to respond to this request is suspended pending further discussions on the scope of the request.

9. *Provide a copy of all documents which refer or relate to the potential liability of CS, CG, EGWIC LLC, and any other person or entity arising from environmental conditions and response actions performed at the Site.*

Response: EGWIC LLC has no knowledge of any environmental conditions or response actions performed at the Site.

10. *Provide a copy of all documents which refer or relate to:*

- (a) *the generation of by-products and wastes from operations at the Site;*
- (b) *the storage of raw materials, by-products, and wastes from operations at the Site;*
- (c) *spills, leaks, and other events which resulted in the release of by-products and wastes into soil, air, surface water, or groundwater at the Site;*
- (d) *steps taken to address spills, leaks and other events which resulted in the release of by-products and wastes into soil, air, surface water, or groundwater at the Site; and*
- (e) *excavation, construction, and demolition activities conducted at the Site.*

Response:

- (a) EGWIC LLC has no documents responsive to this request.
 - (a) EGWIC LLC has no documents responsive to this request.
 - (b) EGWIC LLC has no documents responsive to this request.
 - (c) EGWIC LLC has no documents responsive to this request.
 - (d) EGWIC LLC has no documents responsive to this request.
11. *Please provide, with respect to the both EPA's original CERCLA § 104(e) requests as well as this Supplemental Request, all information responsive to Instruction No. 5.*

Response: EGWIC LLC has provided all documents consulted, examined or referred to in preparation of all answers to this request as well as the Initial Request and the Second Request, except where noted. Any documents not

provided were not provided because they are beyond the scope of EPA's authority under Section 104(e) of CERCLA.

12. *Please identify whether, in the course of responding to EPA's original CERCLA § 104(e) requests or this Supplemental Request, any documents have been identified pursuant to Instruction No. 11. If so, please provide the information regarding all unavailable documents in accordance with Instruction No. 11.*

Response: No documents have been identified in response to this request.

13. *If you have reason to believe that any documents or information sought in EPA's original CERCLA § 104(e) requests or this Supplemental Request have come to reside in the possession, custody, or control of any other person (including but not limited to Clearfield or its affiliates; Energy Equity Partners LP; CBC Management Company f/k/a Park Management Company; Crosstex Energy Services; Sandpiper; or any consultant or outside counsel to the foregoing or to any person), please identify all such persons.*

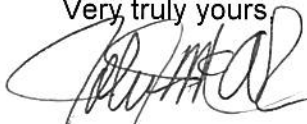
By email dated November 14, 2018, Andrew Goldman confirmed that the deadline for EGWIC LLC to respond to this request is suspended pending further discussions on the scope of the request.

14. *Identify each person whom you believe has, or who claims to have, knowledge or information of any of the matters addressed in EPA's original CERCLA § 104(e) requests or this Supplemental Request.*

Response: EGWIC LLC objects to this request as vague, overbroad and beyond EPA's authority under 42 U.S.C. § 9604(e).

John Park, President of EGWIC LLC, provided all of the information responsive to the Request. EGWIC LLC has conducted a thorough search of records in its possession, control or custody with regard to the Request. Notwithstanding the foregoing, EGWIC LLC reserves the right to withdraw, amend or supplement this response should it identify other pertinent information in its possession, control or custody.

Very truly yours,



John J. McAleese III

JJM:drw